

Chapter 5

SUBDIVISION REGULATIONS\*

ARTICLE I. IN GENERAL

**Sec. 5-1. Authority.**

Chapter 22 of the Code of Ordinances, City of Sugar Land, Texas, is hereby repealed and rescinded for all purposes. The following rules and regulations are hereby adopted as the subdivision regulations (previously Ordinance No. 70 and chapter 22 of the Code of Ordinances) of the City of Sugar Land, Texas, also known and cited as the "Sugar Land Subdivision Ordinance," and shall be applicable to the filing of plats and the subdivision of land, as that term is defined herein and in chapter 212 of Texas Local Government Code (formerly article 974a), within the corporate city limits of the City of Sugar Land as they may be from time to time adjusted by annexation or disannexation and within all the areas of the extraterritorial jurisdiction of the City of Sugar Land as that area may exist from time to time as provided by chapter 42, Texas Local Government Code (formerly article 970a), and the city shall have all remedies and rights provided by such chapter 212 with regard to the control and approval of subdivisions and plats both within the city and within its extraterritorial jurisdiction. (Ord. No. 1224, § 2, 1-25-00)

**Sec. 5-2. Interpretation and purpose.**

In the interpretation and application of the provisions of these regulations, it is the intention of the city council that the principles, standards and requirements provided for herein shall be minimum requirements for the platting and developing of subdivisions in the City of Sugar Land and its extraterritorial jurisdiction, amending certain other ordinances of the city and superseding the previous subdivision regulations (Ordinance No. 70).

Subdivision of land is one of the first steps in the process of urban development. The distribution and relationship of residential, commercial, industrial and agricultural uses throughout the community along with the system of improvements for thoroughfares, utilities, public facilities and community amenities determine in large measure the quality of life enjoyed by the residents of the community. Health, safety, economy, amenities, environmental sensitivity and convenience are all factors which influence and determine a community's quality of life and character. A community's quality of life is of public interest. Consequently, the subdivision of land, as it affects a community's quality of life, is an activity where

**\*Editor's note**—Ord. No. 785, adopted Feb. 4, 1992, repealed and replaced former Code Ch. 22, Subdivision Regulations. The editor has included these new subdivision regulations as enacted, preserving the numbering of the sections, but has added and/or changed subsection designations in order to maintain stylistic consistency and in order to aid in the reference and use of these provisions. Subsequently, Ord. No. 1224, § 2, adopted Jan. 25, 2000, renumbered former Code Ch. 22 as Ch. 5 of the Land Development Code. See the Code Comparative Table for a detailed analysis of inclusion.

regulation is a valid function of municipal government. The regulations contained herein are designed and intended to encourage the development of a quality urban environment by establishing standards for the provision of adequate light, air, open space, stormwater drainage, transportation, public utilities and facilities, and other needs necessary for ensuring the creation and continuance of a healthy, attractive, safe and efficient community that provides for the conservation, enhancement and protection of its human and natural resources. Through the application of these regulations, the interests of the public, as well as those public and private parties, both present and future, having interest in property affected by these regulations are protected by the granting of certain rights and privileges. By establishing a fair and rational procedure for developing land, the following requirements further the possibility that land will be developed for its most beneficial use in accordance with existing social, economic, and environmental conditions.

The procedure and standards for the development, layout and design of subdivisions of land within the corporate limits and extraterritorial jurisdiction of the City of Sugar Land, Texas, are intended to:

- A. Promote and develop the utilization of land in a manner to assure the best possible community environment in accordance with the city's comprehensive plan and, where applicable, the zoning ordinance of the City of Sugar Land;
- B. Guide and assist the subdividers in the correct procedures to be followed and to inform them of the standards which shall be required;
- C. Protect the public interest by supervising the location, design, class and type of streets, sidewalks, utilities and essential areas and services required;
- D. Assist orderly, efficient and coordinated development within the city and its extraterritorial jurisdiction;
- E. Provide neighborhood conservation and prevent the development of slums and blight;
- F. Harmoniously relate the development of the various tracts of land to the existing community and facilitate the future development of adjoining tracts;
- G. Prevent pollution of the ground, air and water; to assure the adequacy of drainage facilities; to safeguard both surface and groundwater supplies; and to encourage the wise preservation, use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land;
- H. Preserve the natural features of the municipality and to ensure appropriate development with regard to these natural features;
- I. Establish adequate and accurate records of land subdivision;
- J. Ensure that public or private facilities are available and will have a sufficient capacity to serve proposed subdivisions and developments within the extraterritorial jurisdiction;

- K. Protect and provide for the public health, safety, and general welfare of the community;
- L. Protect the character and the social and economic stability of all parts of the community and encourage the orderly and beneficial development of all parts of the community;
- M. Protect and conserve the value of land throughout the community and the value of buildings and improvements upon the land, and minimize the conflicts among the various uses of land and buildings;
- N. Guide public and private policy and action in providing adequate and efficient transportation systems, public utilities, and other public amenities and facilities;

Minimum standards for development are contained herein and in the City of Sugar Land's current design standards and all other applicable ordinances, codes and requirements. The comprehensive plan expresses policies designed to achieve an optimal quality of development in the urban area. If only the minimum standards are followed, as expressed by the various ordinances regulating land development, a standardization of development will occur. This will produce a monotonous urban setting. Subdivision design should be of a quality to carry out the purpose and spirit of the policies expressed in the comprehensive plan and in this chapter [Ordinance No. 785], and are encouraged to exceed the minimum standards required herein. (Ord. No. 1224, § 2, 1-25-00)

#### Sec. 5-3. Definitions.

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When consistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. Definitions not expressly prescribed herein are to be determined in accordance with customary usage in municipal planning and engineering practices. The word "shall" is always mandatory, while the word "may" is merely directory.

*Access easement:* An easement designated on the final plat which provides access to platted tracts excepting single-family and duplex residential. The easement shall meet all of the requirements as set forth for a dedicated street, including, but not limited to, construction standards, width, building lines, and function, but shall be privately maintained.

*Administrative officer:* The person as designated by the city manager to administer this chapter and is responsible for coordinating the review of all plats and construction documents.

*Administrative plat or minor plat:* A type of final plat, limited in application, may be approved by the designee of the city council.

*Amending plat:* A plat which is controlling over the preceding plat without vacation of that plat which is submitted for approval of certain dimensional and notational corrections and lot line adjustments under the provisions of the Texas Local Government Code. An amending plat is a final plat.

*City engineer:* This term shall apply only to such registered professional engineer or firm of registered professional consulting engineers that has been specifically designated as such by the city.

*City manager:* The person holding the position of city manager as appointed by the city council according to the City Charter.

*Comprehensive plan:* The comprehensive plan of the city and adjoining areas as adopted by the city council and the planning and zoning commission, including all its revisions. This plan indicates the general location recommended for various land uses, transportation routes, public and private buildings, streets, parks, water, sewer, and other public and private developments and improvements. The comprehensive plan may also be defined as the series of plans such as the thoroughfare plan, water and sewer plan, annexation plan, and park master plan, among others.

*Condominium:* Joint ownership and control, as distinguished from sole ownership and control ownership, of specified horizontal layers of air space; each condominium unit is individually owned, while the common elements of the condominium building, structure or development are jointly owned. Condominiums may be commercial, industrial, recreational, or residential.

*Cul-de-sac:* A circular right-of-way in which a vehicle can turn one hundred eighty (180) degrees around a center point or area. The following are variations of culs-de-sac (see illustrations in Exhibit A):

*Court:* A cul-de-sac with a depth of less than one hundred fifty (150) feet.

*Crescent:* A cul-de-sac with no depth but up to two hundred (200) feet of width.

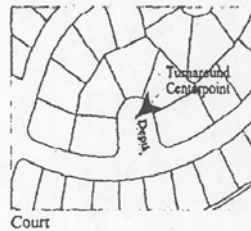
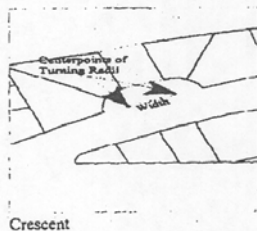
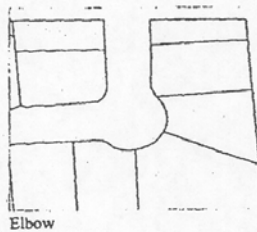
*Elbow:* A corner intersection of two streets marked with a cul-de-sac for vehicular turnarounds.

*Cul-de-sac street:* A street having but one outlet to another street and terminated on the opposite end by a cul-de-sac.



*Radial lot:* A lot fronting onto a curvilinear street.

**EXHIBIT "A"**



radial lot

*Dead-end street:* A street, other than a cul-de-sac with only one outlet.

*Design standards:* The currently adopted document which provides the general requirements for the design of public improvements, private improvements that connect to or effect the public infrastructure and the supporting documents for approval in the City of Sugar Land and its extraterritorial jurisdiction. Specific design criteria is included in the document.

*Development:* A planning or construction project involving substantial property involvement and usually including the subdivision of land and change in land use character.

*Easement:* This term shall mean an area for restricted use on private property upon which a public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of these easements. The public utility shall at all times have the right of ingress and egress to and from and upon the easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone.

*Engineer:* A person duly authorized under the provisions of the Texas Engineering Registration Act, as heretofore or hereafter amended, to practice the profession of engineering and who is specifically qualified to design and prepare construction plans, specifications and documents for subdivision development.

*Final plat:* A map or drawing of a proposed subdivision prepared to meet all of the requirements for approval by the city council and recordation in general conformance with the final plat recommendation by the commission. Distances shall be accurate to the nearest hundredth of a foot. The final plat of any lot, tract, or parcel of land shall be recorded in the records of Fort Bend County, Texas. An amended plat is also a final plat.

*Land plan:* A general, conceptual or master plan for an area proposed for partial or complete subdivision. The land plan shall show the proposed locations of land uses, streets, phasing of development, important physical features, and other applicable information for the entire area to be subdivided.

*Land planner:* Persons other than surveyors or engineers who also possess and can demonstrate a valid proficiency in the planning of residential, commercial, industrial, and other related developments, such proficiency often having been acquired by education in the field of landscape architecture or other specialized planning curriculum and/or by actual experience and practice in the field of land planning, and may be a member of the American Institute of Certified Planners.

*Patio home or zero lot line home:* A single-family detached dwelling unit with a zero building line on one side and a minimum ten-foot side yard on the other. There shall be right to access from the adjoining side yard for maintenance purposes.

*Pavement width:* The portion of a street available for vehicular traffic from back of curb to back of curb.

*Person:* Any individual, association, firm, corporation, governmental agency, or political subdivision.

*Planned unit development:* A form of development which promotes the development of a tract of land in a unified manner and which may allow for certain variances from the established development standards for lot sizes, lot width, building lines, as established in this chapter. Townhomes, patio homes, cluster homes, condominiums and multifamily developments may be considered as planned unit development.

*Planning and zoning commission:* Same as commission. The commission is appointed by the city council under the provisions of the City Charter to review and make recommendations on subdivision plats and other planning issues.

*Plat certificate:* A certificate issued upon approval and recordation of the subdivision certifying that the subdivision has met all the requirements for a plat.

*Preliminary plat:* A map or drawing of a proposed subdivision illustrating the features of the development for review and recommendation by the Commission, but not suitable for recordation in the county records.

*Record plat:* A plat of any lot, tract or parcel of land that is recorded with the Fort Bend County clerk following final approval by the city council.

*Replat:* The resubdivision of all or any part or all of any block or lots of a previously platted subdivision.

*Reserve:* A reserve is the same as a lot and subject to the same platting requirements.

*Street (rights-of-way) width:* The shortest distance between the lines which delineate the rights-of-way of a street.

*Subdivider:* Any person or any agent thereof dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. In any event, the term "subdivider" shall be restricted to include the owner, equitable owner, or authorized agent and is synonymous with developer.

*Subdivision (also addition):* A division of a lot, tract, or parcel into two (2) or more lots, tracts, or parcels or other divisions of land for sale or development; however, when such lot, tract, etc., is divided for sale or development and the remaining parcel is more than five (5) acres, the remainder does not have to be platted. Subdivision shall include the dedication of public streets, access easements, utility easements and fire lanes. The resubdivision or replatting of lots in a previous subdivision is a subdivision.

*Surveyor:* A registered professional land surveyor, as authorized by statutes, to practice the profession of surveying.

*Thoroughfare plan:* A plan adopted by the city council which identifies the general routing and classification of proposed streets and thoroughfares. The plan may also establish the function and capacity of the various thoroughfares as they relate to the land uses they are proposed to serve.

*Townhouse:* A residential unit that shares at least one common or party wall with another unit. Each unit and the land upon which it stands is individually owned, subject to a party wall agreement with the adjacent owner. Townhouse developments generally are cluster developments or planned unit developments in which the land surrounding the house units is owned in common by the townhouse owners.

*Tract:* A tract is the same as a lot and shall be subject to the same platting requirements.

*Zoning ordinance:* The ordinance which sets forth land use regulations and standards within the corporate limits of the City of Sugar Land.  
(Ord. No. 1224, § 2, 1-25-00; Ord. No. 1264, § 1, 1-2-01; Ord. No. 1326, § 1, 10-2-01)

#### **Sec. 5-4. Application of regulations.**

A. *Final plat required.* No plat of a subdivision within the corporate limits or extraterritorial jurisdiction shall be recorded until a final plat, accurately describing the property to be conveyed, has been prepared in accordance with these subdivision regulations recommended by the commission and approved by the city council.

B. *Permits, acceptances and improvements.* No building permit, or certificate of occupancy, or plumbing permit, or electrical permit, or floodplain reclamation permit, or utility tap or acceptance of required public improvements within the corporate limits shall be permitted without a recorded plat or letter of plat exemption.

C. *Conformance with regulations and standards.* Any subdivision within the city and its extraterritorial jurisdiction shall conform to the subdivision regulations, the city's current design standards and other applicable ordinances and standards.

D. *Plat approval certification.* In accordance with state law, the following procedures shall be followed before any utility service connection, including, but not limited to, water, gas, sewer and electricity, may be made or any such utility service provided:

1. Upon approval of a plan, plat or replat by city council, the city shall issue to the person or entity applying for the approval a certificate stating that the plan, plat or replat has been reviewed and approved by city council.
2. a. Upon written request of an owner of land or a public utility, the city shall make the following determinations regarding the owner's land or the land in which the public utility is interested and that is located within the city's platting jurisdiction:
  1. Whether a plan, plat or replat is required by law; and
  2. If a plan, plat or replat is required, whether it has been prepared as required and reviewed and approved by city council.Such request must identify the land by metes and bounds, address or other adequate legal description, which is the subject of the request.
- b. If the city determines that a plan, plat or replat is not required, the city shall issue to the requesting party a written certification of that determination. If the city determines that a plan, plat or replat is required, that such a document has been prepared, reviewed and approved by city council, the city shall issue to the requesting party a written certification of that determination.
- c. The city shall make its determination within twenty (20) days after the date it receives the request and shall issue the certificate within ten (10) days after the date the determination is made.
3. For purposes of this subsection only, the following definitions shall apply:
  - a. "City" shall mean the city engineer or other appropriate city official, as designated from time to time by the city manager.
  - b. "Public utility" shall mean any entity, other than a municipality, that provides water, sewer, electricity, gas or other utility service.

E. *Release.* No plat shall be released for filing or issued a plat certificate unless all improvements have been approved in accordance with the subdivision ordinance and the current design standards.

(Ord. No. 1224, § 2, 1-25-00)

**Sec. 5-5. Subject developments.**

The provisions of these subdivision regulations and the current design standards shall apply to the following forms of land subdivision and development activity:

- A. The division of land into two (2) or more lots, tracts, reserves, sites or parcels; or
- B. All subdivisions of land, whether by metes and bounds division or by plat, which were outside the jurisdiction of the city's subdivision regulations in Fort Bend County, Texas, and which subsequently came within the jurisdiction of the city's subdivision regulations through annexation or extension of the city's extraterritorial jurisdiction.
- C. The division of land previously subdivided or platted into tracts, lots, sites or parcels and not recorded, that were subject to and not in accordance with adopted city subdivision regulations in effect at the time of such subdividing or platting.
- D. The combining of two (2) or more contiguous tracts, lots, sites or parcels for the purpose of creating one or more legal lots.
- E. The dedication or vacation of streets, firelanes and alleys, through any tract of land regardless of the area involved.
- F. The vacation of a previously recorded subdivision plat.
- G. Permanent public or semipublic spaces (such as golf courses, recreational uses, institutional uses, schools, open spaces or park areas, and similar uses).
- H. Any other development on an undeveloped or semi-developed site within the corporate limits or extraterritorial jurisdiction.

(Ord. No. 1224, § 2, 1-25-00)

**Sec. 5-6. Exemptions.**

The provisions of these subdivision regulations shall not apply to:

- A. Land legally platted and approved prior to the effective date of these subdivision regulations except as otherwise provided herein (construction of facilities shall conform to the current design standards in effect at the time of construction); or
- B. Land constituting a single tract, lot, site or parcel for which a legal deed of record describing the boundary of such tract, lot site or parcel was filed of record in the Deed Records of Fort Bend County, Texas, on or before December 31, 1959.
- C. Sales of tracts of land by metes and bounds or tracts on which no improvements or alteration dividing the original tract is occurring.
- D. Existing cemeteries complying with all state and local laws and regulations (exemptions do not apply to new cemeteries or expansion of existing cemeteries).
- E. Divisions of land created by order of a court of competent jurisdiction.
- F. Subdivision development that is exempt by state law.



G. If platting is not required, the city shall issue a certificate of exemption prior to issuing a building permit or site plan approval.  
(Ord. No. 1224, § 2, 1-25-00)

## ARTICLE II. PROCEDURES AND REQUIREMENTS

### Sec. 5-7. Purpose.

The purpose of this article is to establish the procedures and requirements for the submittal, review, recommendation, consideration and action by the commission and city council to provide the necessary details and orderly processing of the subdivision of land in the City of Sugar Land and its extraterritorial jurisdiction.  
(Ord. No. 1224, § 2, 1-25-00)

### Sec. 5-8. Preapplication.

The subdivider should avail himself of the advice and assistance of the city officials and consult early and informally with the administrative officer designated by the city manager before preparing a land study or the preliminary plat and before formal application for its approval.  
(Ord. No. 1224, § 2, 1-25-00)

### Sec. 5-9. Land plan approval.

A. A land plan (general plan, master plan, concept plan) shall be submitted to the administrative officer for review by the commission and the city council, for approval of the concept, prior to or in conjunction with the submittal of any preliminary or final plat, except as noted below, for any tract of land over fifty (50) acres in size proposed for residential use or any parcel proposed for nonresidential use over thirty (30) acres. If the administrative officer determines that an area less than fifty (50) acres contains unique features or is surrounded by existing or proposed subdivisions with potential limited access, a land plan may be required to be reviewed prior to the preliminary or final plat submittal.

The purpose of the land plan is to allow the commission and city council to review the proposed major thoroughfare and collector street patterns, land use, environmental issues, conformance to the comprehensive plan, and the property's relationship to adjoining subdivisions or properties.

Where a phased or partial development is proposed, the land plan area shall include the entire property from which the phase is being subdivided. Where the applicant can demonstrate that natural or man-made features, such as thoroughfares and creeks, make unnecessary the inclusion of the entire property in the land plan to adequately review the items listed in the preceding paragraph, the subdivider may request approval from the administrative officer for a submittal of smaller land plan area. Boundaries such as thoroughfares (existing or proposed), creeks, political subdivisions, or other such natural or man-made features may

be used to delineate the smaller plan area. A land plan shall not be required if the preliminary plat(s) contains sufficient information to provide for the proper coordination of development.

B. The land plan shall be submitted for review and recommendation to the parks and recreation director for conformance with park land dedication requirements prior to the recommendation of the land plan by the commission. Substantial changes to the land plan which may affect the park dedication requirements and park location shall be resubmitted to the parks and recreation director.

C. The submittal of the land plan shall be accompanied by the completed application as specified by the city. The submittal fees established are set by separate ordinance and must accompany the application.

D. Any land plan or plat subdivision involving a change to a proposed corridor in the City of Sugar Land Thoroughfare Plan must be preceded by submission and approval of a traffic impact analysis if required by the administrative officer. Failure to provide for such approval prior to submission of a land study or plan may be grounds for denial.

E. The approval in concept of the land plan by the city council does not constitute approval of the subsequent plats within the plan boundaries.

F. The graphic requirements for the land plan are contained in this chapter in section 5-17. (Ord. No. 1224, § 2, 1-25-00; Ord. No. 1294, § 1, 6-5-01)

#### **Sec. 5-10. Preliminary plat.**

##### *General requirements:*

- A. A preliminary plat of any proposed subdivision shall be submitted for commission review and recommendation for approval in compliance with the schedule and requirements set forth in this chapter.
- B. The preliminary plat shall be accompanied by the completed application as provided and appropriate fees at least twenty-one (21) days prior to the commission meeting at which it is to be considered.
- C. The requested number of copies of prints of the proposed subdivision, drawn on sheets at a size of twenty-four inches by thirty-six inches (24" × 36") and drawn to a minimum scale of one hundred feet to the inch (1" = 100'), shall be submitted in the number of copies specified by the city. The required number of copies and reductions (11" × 17") shall be as specified by the city.
- D. The preliminary plat shall be in accordance with the land plan and all approved comprehensive, water, sewer, and thoroughfare plans.
- E. The preliminary plat may be prepared by an engineer, land planner, or surveyor.

- F. The administrative officer shall be furnished with copies of letters verifying contact with the following agencies:
1. Fort Bend County Drainage District, stating that the proposed subdivision is in compliance with the drainage requirements of Fort Bend County and any applicable fees have been addressed.
  2. The appropriate school district official, stating that the school district has reviewed the land plan of the proposed subdivision and the preliminary subdivision plat for planning purposes.
  3. All applicable utility companies including gas, light and telephone, stating that the utility companies have knowledge of the proposed subdivision and are currently negotiating the necessary service easements. A copy of the preliminary plat should be sent to the utility company at this time for the establishment of the easements.
  4. The appropriate post office, stating that postal service will be available.
  5. Any other applicable district or entity with jurisdiction in the area to verify adequate capacities and applicable fees.

These verification letters must be received by the administrative officer prior to the final plat recommendation by the commission. If the letters are not available at this time, the recommendation of the plat by the commission shall be contingent upon the receipt of the letters.

- G. The administrative officer shall make a study of the preliminary plat and give a written report to the commission before its consideration for recommendation. The subdivider or his designated representative shall be provided, upon request, with a copy of this report prior to the commission meeting.
- H. Following review of the preliminary plat and other materials submitted, and discussions with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by him, the commission shall act thereon as submitted or modified. If recommended, the commission shall so state its recommendation or state the conditions for such recommendation, if any, or if not recommended, its reasons therefor.
- I. Recommendation of a preliminary plat by the commission shall be deemed an expression of conditional approval to the layouts submitted on the preliminary plat as a guide for the preparation of the final replat and the future installation of streets, water, sewer, and other required improvements and utilities and to the preparation of the construction plans. The subdivider is responsible for the resolution of the review conditions and any additional requirements of this chapter and other applicable ordinances.
- J. Recommendation of a preliminary plat shall be effective for one year.

- K. No construction work shall begin on the proposed improvements in the proposed subdivision prior to the approval and recordation of the final plat. The subdivider may at his own risk undertake certain ground excavations for clearing, grading and drainage purposes. Any required permits shall be issued prior to commencement of work.
- L. A preliminary plat shall not be required if the proposed subdivision meets the criteria as set forth in section 5-12 (Short Form Final Plat).
- M. Any plat within Sugar Land's extraterritorial jurisdiction shall also be subject to Fort Bend County platting requirements and the more restrictive requirements shall govern.
- N. The graphic requirements for a preliminary plat are contained in this chapter in section 5-17.

(Ord. No. 1224, § 2, 1-25-00)

**Sec. 5-11. Final plat.**

*General requirements:*

- A. A final plat and engineering construction drawings and specifications are required for any area in the city or its extraterritorial jurisdiction. The final plat shall be in general conformance with the preliminary plat as recommended and shall incorporate all conditions, changes, directions and additions recommended by the commission. The final approval of the plat shall be by the city council. If the final plat is in the city's extraterritorial jurisdiction, it shall also be approved by the County Commissioners Court. The final plat shall not be submitted for city council approval until detailed engineering plans have been submitted for approval by the city.
- B. The final plat shall constitute only that portion of the approved preliminary plat which the subdivider proposes to record and then develop. Such portion conforms to all the requirements of these regulations.
- C. The final plat shall be submitted for review and recommendation by the commission at least twenty-one (21) calendar days prior to a regularly scheduled meeting.
- D. The requested number of copies of prints of the proposed subdivision, drawn on sheets at a size of twenty-four inches by thirty-six inches (24" × 36") and drawn to a minimum scale of one hundred feet to the inch (1" = 100'), shall be submitted in the number of copies specified by the city. The required number of copies and reductions (11" × 17") shall be as specified by the city. The number of full size copies and reductions shall be specified by the administrative officer. The submittal shall include the following:
  - 1. Completed application form;
  - 2. Copies and reductions of the plat;
  - 3. Transmittal letter;
  - 4. Fees;

5. Title commitment on the specific tract of land;
  6. Engineering construction plans, or as a minimum requirement, the final utility layout showing the sizes and depths of all utilities as well as street widths; and
  7. All public utility easements shall be included as required for utility companies or the City of Sugar Land.
- E. The filing date of an application for final plat recommendation by the commission shall be the date when the application is certified complete and marked "filed" by the administrative officer. The date the application is certified and marked "filed" is the date to be considered as the initial date of the statutory thirty-day time period in which the commission is required to act upon a plat submitted to it under the Texas Local Government Code. All submittal requirements as stated for a final plat (subsection C. above) shall be met before an application is marked as "filed."
- F. The administrative officer shall review the final plat for compliance with these regulations and make a written recommendation to the commission. The subdivider or his designated representative shall be furnished with a copy of the written recommendation.
- G. The commission will consider the final plat and the written recommendation at the regularly scheduled meeting and may take one of the following actions:
1. Recommend approval;
  2. Recommend approval contingent upon corrections or changes to be made to the plat;
  3. Recommend disapproval;
  4. Table action until a future specified date; or
  5. Refer back to staff for further review.
- H. The subdivider or his designated representative shall then submit the final plat with the required changes to the city council for approval at least fourteen (14) calendar days prior to a regularly scheduled city council meeting. The submittal shall include the following:
1. Specified number of full-size copies and reductions of the plat;
  2. Resolution of any contingency items recommended by the commission;
  3. Current title report for the specific tract; and
  4. Performance bonds, letter of credit for the cost of the public improvements, or assurance of completion of the public improvements.
- I. The administrative officer shall review the submittal for compliance with the regulations and recommendation of the commission and place the final plat on the city council agenda. Failure of the subdivider to provide any of the required items may cause disapproval of the plat.

- J. The city council shall take action on the plat within the time period specified by the filing date set out in subsection K. below. The action shall consist of:
1. Approval; or
  2. Disapproval of the plat.
- K. The filing date of an application for final plat approval with the city council shall be the date the commission recommends approval of the plat. However, if the commission recommends approval with contingencies, the plat will not be considered as "filed" until all contingencies have been met by the applicant. The administrative officer shall certify when contingencies have been addressed. The statutory thirty-day time period shall begin when all contingencies and all submittal requirements have been completed as certified by the administrative officer.
- L. A substantial change to the approved final plat prior to recordation shall require resubmittal to the city council. With the approval of the administrative officer minor changes including addition of easements, correction of clerical errors or omissions may be made prior to submittal for signatures and recordation.
- M. Recommendation of the final plat by the commission and approval by city council is valid for one year from the date of approval for recordation. An extension of approval may be requested in writing at least thirty (30) days prior to the expiration date and submitted to the appropriate body for consideration and approval. The fee for such extension shall be established by separate ordinance.
- N. Prior to the submittal of the final plat for city council approval engineering construction plans showing paving and design details of streets, alleys, culverts, bridges, storm sewers, water mains, sanitary sewers and other engineering details of the proposed subdivision shall be submitted to the administrative officer for review by the city engineer. Two (2) copies shall be submitted with the final plat. Such plans shall be prepared by a registered professional engineer and shall conform to the current design standards and applicable ordinance adopted by the City of Sugar Land.
- O. Following approval by the city council, the specified number of originals may be submitted for signature and the placement of the city seal. If the final plat is within the city limits, the originals shall be accompanied by the filing fee and the city shall record the final plat at the county clerk's office. If the final plat is in the extraterritorial jurisdiction, the plat originals shall be forwarded by the city to the office of the county engineer for review and action by the county commissioners court and recordation.
- P. The final plat (and any replats) shall be prepared by a registered public surveyor.
- Q. No construction work shall begin on the proposed improvements in the proposed subdivision prior to the approval and recordation of the final plat except as provided herein. The subdivider may undertake certain ground excavations for grading and drainage purposes and required permits are issued. Any excavation prior to approval of the final plat shall be at the subdivider's risk and any work done is to facilitate the



subdivider's schedule and does not imply approval of the work. Engineering and construction plans shall also be submitted according to the current design standard, in addition to the requirements set forth herein.

- R. The graphic requirements for the final plat are contained in this chapter in section 5-17.

(Ord. No. 1224, § 2, 1-25-00)

**Sec. 5-12. Short form final plats.**

*(Combination preliminary and final plat):*

- A. Approval of platting under the short form procedure eliminates the necessity for a preliminary plat as required in section 5-10. Application fees for short form platting shall be paid at the time of application.
- B. A short form platting procedure may be requested if the final plat is authorized by the administrative officer and meets the following requirements:
1. No more than four (4) lots, tracts or reserves are included.
  2. The area to be platted lies within an existing public street circulation system already approved by the city council;
  3. The proposed development meets all the requirements of the existing zoning district, if applicable;
  4. The plat does not propose to vacate public street rights-of-way or easements;
  5. The plat does not propose creation or extension of public rights-of-way.
  6. The proposed development does not require any significant drainage improvements and if contained wholly or partially within the 100-year floodplain, conforms to Federal Emergency Management Agency floodplain management rules.
  7. The proposed development is consistent with the thoroughfare plan and creates no significant traffic congestion on the existing public street system.
  8. The proposed development creates no variance requests.
- C. This procedure shall not be available if there is evidence of previous repeated use by the owner of the short form procedure in a manner to circumvent the intent of this chapter or the requirements for larger scale development.
- D. The short form plat shall meet all of the requirements for a final plat in sections 5-11 and 5-17.

(Ord. No. 1224, § 2, 1-25-00)

**Sec. 5-13. Vacating of plat.**

A. A plat may be vacated by request of the subdivider. In addition to the procedure outlined below and in conformance with the Texas Local Government Code, as amended, the submittal requirements for the vacation to the commission and city council are the same as for approval of a final plat.

B. The plat vacating procedure is as follows:

1. The owners of the tract covered by a plat may vacate the plat any time before any lot in the plat is sold. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed herein for a final plat.
2. If lots in the plat have been sold, the plat, or any part of the plat, may be vacated on the application of all the owners of lots in the plat with approval obtained in the manner prescribed for the original plat.
3. The county clerk shall write legibly on the vacated plat the word "Vacated" and shall enter on the plat a reference to the volume and page at which the vacating instrument is recorded.
4. On the execution and recording of the vacating instrument, the vacated plat has no effect.

C. A vacated plat shall be recommended by the commission and approved by the city council. The city council may reject any vacation instrument which abridges or destroys any public rights in improvements, easements, streets, alleys, or similar public areas which are deemed by city council necessary to serve the surrounding area.

D. An approved vacated plat must be recorded and operates to destroy the effect of the recording of the vacated plat and to divest all public rights to the streets, alleys, and other public areas laid out or described in the plat.

(Ord. No. 1224, § 2, 1-25-00)

**Sec. 5-14. Replat.**

A. A replat is a redesign of all or a part of a recorded plat or subdivision of land which substantially changes the elements of the plat. The same procedures shall be followed as for preliminary, final or short form plat. The replat must be in accordance with the current Texas Local Government Code. A public hearing shall be required on all residential replats when the previous plat is not vacated and not in compliance with paragraph B. below. The application request for the public hearing for the replat shall be made at least thirty-five (35) days prior to a regularly scheduled city council meeting.

B. A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:

1. Is signed and acknowledged by all the owners of the property being replatted;

2. Is approved, after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard, by the city of Sugar Land; and
3. Does not attempt to amend or remove any covenants or restrictions.

C. In addition to compliance with paragraph B. above, a replat without vacation of the preceding plat must conform to the requirements of this paragraph if any of the area proposed for replatting was limited to residential use for not more than two (2) residential units per lot or any lot was deed restricted for same within the preceding five (5) years, then the following procedure is required:

1. Notice of the hearing required in accordance with Texas Local Government Code shall be given before the fifteenth day before the date of the hearing by:
  - a. Publication in an official newspaper or a newspaper of general circulation in Fort Bend County; and
  - b. Written notice, with a copy of subparagraph c. below attached, sent to the owners of property in the original subdivision, as indicated on the most recently approved municipal tax roll or in the case of a subdivision within the extraterritorial jurisdiction the most recently approved ad valorem tax roll within two hundred (200) feet of the property upon which the replat is requested. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the City of Sugar Land.
  - c. If the proposed replat is protested in accordance with this subparagraph, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of all members of the commission and three-fourths of all members of city council. For a legal protest, written instruments signed by the owners of at least twenty (20) percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending two hundred (200) feet from that area, but within the original subdivision, must be filed with the city prior to the close of the public hearing. The property owners shall be furnished with these requirements with the written notice of the public hearing.
  - d. In computing the percentage of land area under the subparagraph above, the area of streets and alleys shall be included.
  - e. Compliance with subparagraphs c. and d. above is not required for approval of a replat of part of a preceding plat if the area to be replatted was designated or reserved for other than single-family or duplex-family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.
2. Extension of thirty-day period. If action on a residential replat application must be deferred because sufficient written protest has been submitted, the thirty-day period in which action must be taken by the council is extended by the period of time necessary to verify the written protest.

D. The replat of the subdivision shall meet all the requirements for a new subdivision that may be pertinent, as provided for herein. It shall show the existing property being resubdivided. No preliminary plat shall be required on replats if waived by the administrative officer.

E. The title shall identify the document as "Lots \_\_\_\_\_ being a replat of Lots \_\_\_\_\_ of Block \_\_\_\_\_ of the \_\_\_\_\_ Subdivision." A reason for the replat shall also be stated on the plat.

F. A partial replat of only the affected lots will be accepted when the conditions and/or options allowed by the amending plat procedure are not applicable.  
(Ord. No. 1224, § 2, 1-25-00)

**Sec. 5-15. Amending plat.**

Amending plat procedure shall be in accordance with the current Texas Local Government Code.

- A. An amending plat shall meet all of the informational requirements set forth for a final plat.
- B. The city manager or an employee designated by the city manager may approve, and the mayor shall sign, an amending plat that complies with this section. The city manager or designated employee may, for any reason, elect to present the amending plat to the planning commission or the city council, or both, for approval or disapproval, as in the case of other plats. The city manager or designated employee may not disapprove an amending plat. If the city manager or designated employee refuses to approve the plat, he shall refer it to the planning commission or city council, or both, as in the case of other plats, within the time period applicable to other plats. The amending plat, which may be recorded and is controlling over the preceding plat without vacation of that plat, may be approved if the amending plat is signed by the applicants only and is solely for one or more of the following purposes:
  - 1. Correct an error in a course or distance shown on the preceding plat;
  - 2. Add a course or distance that was omitted on the preceding plat;
  - 3. Correct an error in a real property description shown on the preceding plat;
  - 4. Indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
  - 5. Show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
  - 6. Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats. Such errors may include, but are not limited to, lot numbers, acreage, street names, and identification of adjacent recorded plats;

7. To correct an error in courses and distances of lot lines between two (2) adjacent lots where both lot owners join in the application for amending the plat, neither lot is abolished, the amendment does not attempt to remove recorded covenants or restrictions, the amendment does not have a materially adverse effect on the property rights of the owners in the plat;
  8. Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement; or
  9. Relocate one or more lot lines between one or more adjacent lots if:
    - a. The owners of all those lots join in the application for amending the plat;
    - b. The amendment does not attempt to remove recorded covenants or restrictions;
    - c. The amendment does not increase the number of lots.
  10. To make necessary changes to the preceding plat to create six (6) or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if: the changes do not affect applicable zoning and other regulations of the municipality; the changes do not attempt to amend or remove any covenants or restrictions; and the area covered by the changes is located in an area that the municipal planning commission or other appropriate governing body of the municipality has approved, after a public hearing, as a residential improvement area; or
  11. To replat one or more lots fronting on an existing street if: the owners of all those lots join in the application for amending the plat; the amendment does not attempt to remove recorded covenants or restrictions; the amendment does not increase the number of lots; and the amendments does not create or require the creation of a new street or make necessary the extension of municipal facilities.
- C. Notice, a public hearing, and the approval of other lot owners are not required for the approval and issuance of an amending plat.
- D. When an amending plat is prepared, the surveyor shall be required to survey only those lots which are affected by the changes. The surveyor shall sign the replat stating the lots which have changed in addition to any other corrections which have been made.
- E. The property owners for the lots which are changed shall be the only additional signatures necessary to the original signatures.
- (Ord. No. 1224, § 2, 1-25-00)

**Sec. 5-16. Minor plats.**

The city manager or employee designated by the city manager may approve, and the mayor shall sign, a plat involving four (4) or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities. The city manager or designated employee may, for any reason, elect to present the minor plat to the planning

commission or the city council, or both, for approval or disapproval, as in the case of other plats. The city manager or designated employee may not disapprove a minor plats. If the city manager or designated employee refuses to approve the plat, he shall refer it to the planning commission or city council, or both, as in the case of other plats, within the time period applicable to other plats.

(Ord. No. 1224, § 2, 1-25-00)

**Sec. 5-17. Graphic requirements.**

The city department responsible for accepting, reviewing, and processing land plans, preliminary plats, final plats, engineering plans, and other development related documents, is authorized to establish in writing the information that must be submitted to the city, including the form and manner of submission, for those development documents. Should information not be submitted to the city as specified by the appropriate city department as authorized by this section, the document will not be accepted by the city for consideration by the approving authority.

(Ord. No. 1224, § 2, 1-25-00)

**Sec. 5-18. Recordation.**

Following the approval of the city council a plat shall follow the following procedures for recordation:

- A. Within one (1) year following the approval of the final plat by the city council the subdivider may submit the required number of originals to the city for signatures and recordation. The originals shall be on at least three-mil camera-positive matte finish (both sides) film. All signatures and seals shall be clearly affixed in permanent black ink. All seals shall be affixed in black ink or a raised seal.
- B. A current title commitment for the specified tract and current tax certificates shall be submitted and verified prior to the city signatures and seals being affixed on the plat.
- C. If the plat is within the city, the city shall record the plat of the county clerk's office. The subdivider shall forward a check for the appropriate amount with the submittal of the originals for signatures.
- D. All requirements of applicable ordinances have been met.
- E. The final plat shall not be submitted for recordation until detailed engineering plans have been approved by the city and/or the public improvements are complete. The approval of the plat and construction plans shall be valid for one year, after which time they must be reapproved by the city, subject to current requirements.

If the plat is in the extraterritorial jurisdiction, the plat originals shall be forwarded by the city to Fort Bend County for approval and recordation. One recorded original shall be returned to the city.

- F. Park dedication requirements that are met by monies in lieu of land shall be paid prior to the release of the plat for recordation.



- G. The restrictive covenants shall be provided and the recording information shall be shown in a note on the plat.
- H. An address map shall be provided. All addresses shall be coordinated with the appropriate utility company or the city.

### ARTICLE III. SUBDIVISION DESIGN REQUIREMENTS

#### Sec. 5-19. Streets.

A. *[Generally.]* The arrangement, character, extent, width, grade, and location of all streets shall conform to the City of Sugar Land Thoroughfare Plan, the current design standard manual, and shall be considered in their relation to existing and planned streets or driveways, to topographical conditions, to public safety and in their appropriate relation to the proposed uses of the land to be served by such streets. Unless required by the city, strips of land controlling access to or egress from other property, or to or from any street or alley, or having the effect of restricting or damaging the adjoining property for subdivision purposes, or which will not be taxable or accessible for special improvements, shall not be permitted in any subdivision. All streets shall be paved in accordance with the current design standard. All lots, tracts, and reserves shall have frontage on an approved public right-of-way or access easement(s).

B. *[Conditions for approval of private streets.]* Private streets are prohibited except that the city council may approve private streets in a new single-family residential subdivision if it meets the following regulations:

1. The private street complies with the city's design and construction standards.
2. The private street is so designated on the plat.
3. The private street is not an arterial or collector street, does not affect the circulation of local or through traffic or have a negative impact on planning for the area.
4. There are natural or manmade boundaries contiguous to the subdivision, including creeks, lakes, levees, utility easements or golf courses, that would make it difficult or undesirable to extend the streets beyond the subdivision.
5. The subdivision contains no more than twenty-five (25) lots.
6. The subdivision is not within one mile of another subdivision with private streets and would not result in an undesirable concentration of private street subdivisions in one area of the city or its extraterritorial jurisdiction. The developer shall disclose to the city all other land the developer owns within one mile of the private street subdivision if zoned for single-family residential use.
7. The maximum travel distance along the private street is two thousand (2,000) feet from a connecting public street.

8. A portion of the private street shall be designated on the plat as a fire lane in accordance with the design standards and the developer shall properly mark or post notice of the designated fire lane.
9. Access control devices shall be designed and located to accommodate the normal turning characteristics of a single unit bus (BUS) and accommodate the combined stacking length of a BUS and passenger car (P) with normal separation between, as a BUS and P are defined by American Association of State Highway and Transportation Official standards. The design of the entryway shall allow a vehicle to pass around the front and side of a BUS stopped at the entry control device.
10. Access control devices for a private street meet regulations adopted by the city, including redundancy requirements. The description and specifications for the access control devices shall be submitted for approval with the plat. The developer shall provide to the city all equipment necessary to operate the access control devices, as determined by the city and at no cost to the city.
11. The developer, his successor and assigns agree to install and maintain, prior to the sale of any lot, a readily visible sign where any public street provides access to a private street, giving notice that the street is private.
12. The developer shall record subdivision covenants approved by the city prior to the sale of any lot in the subdivision that require at a minimum:
  - a. The lot owners to pay monthly assessments into a maintenance fund restricted for use for maintenance and repair cost for the private streets in the subdivision. The monthly assessments shall be in an amount that will, at the end of the first five (5) years of the assessments, create and thereafter maintain a fund that will not be less than three (3) percent of the initial cost of constructing the private streets in the subdivision;
  - b. The lot owners to pay monthly assessments into a capital replacement fund restricted for use for the reconstruction and replacement of the private streets in the subdivision. The monthly assessment shall be an amount that will, at the end of thirty-five (35) years, create a fund that will not be less than the reconstruction cost of the private streets;
  - c. The lot owners to pay monthly assessments to perpetually maintain the markings or postings required for fire lanes and the required signs giving notice of the private street and to provide access control mechanisms for emergency vehicles.
13. No existing public street in a subdivision shall be converted to a private street.
14. No private street in a developed subdivision shall be accepted as a public street.

This section shall not apply to a subdivision that was originally platted within three (3) years immediately preceding the effective date of Ordinance No. 844; in which no dwellings have

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been constructed; and in which the lot owners agree, by written contract with the city, to comply with the purpose and intent of the requirements in paragraphs 1., 8., 9., 10., and 12. above.

C. *[Access easements.]* Primary access through an access easement in a commercial, townhome or condominium development shall conform to all design and construction standards stated herein and in the current design standard. The easement shall meet all of the requirements set forth for a public street including, but not limited to, construction standards, widths, curves, building lines, sight distance visibility, landscape maintenance, and function, but privately maintained. An access agreement between the property owners and lessors shall be submitted to the city for approval and so noted on the plat prior to recordation of the plat. A note shall be placed on the plat defining the accessibility to the access easement by police, fire, emergency vehicles and utility operations and maintenance personnel.

D. *[Arrangement of subdivision streets not an thoroughfare plan.]* When a street is not on the thoroughfare plan, the arrangement of streets in a subdivision shall:

1. Provide for the continuation or appropriate protection of existing streets in surrounding areas; or conform to a plan for the neighborhood approved or adopted by the city to meet a particular situation where topographical or other conditions make continuance or conformity to existing streets impracticable.
2. Provide for future access to adjacent vacant areas which will likely develop in the future.
3. Resolve alignment with existing right-of-way and driveway openings.

E. *[Minor residential streets.]* Minor residential streets shall be so designed that their use by through traffic will be discouraged.

F. *Geometric street design.* Standards for curvature, intersecting streets, and offset intersections are detailed in the design standard.

G. *Street widths.* Street right-of-way widths shall be as shown on the thoroughfare plan and shall be designed in accordance with the design standard. Lane widths and median widths shall also be in accordance with the design standard.

H. *Half-streets.* Half-streets shall be prohibited, except when essential to the reasonable development of the subdivision in conforming with the other requirements of these regulations and the thoroughfare plan, and where the council finds it will be practical to require the dedication of the other one-half when the adjoining property is subdivided. Whenever a partial street previously has been platted along a common property line, the other portion of the street shall be dedicated. Construction of half-streets and improvements made to all on-site facilities are defined in the design standard.

I. *Culs-de-sac.* A cul-de-sac is a street having but one outlet and terminated on the opposite end by a vehicular turnaround. The minimum requirements for design and construction are in the design standards.

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J. *Dead-end or stub streets.* Dead-end or stub streets are temporary in nature and are not allowed except to provide for access to adjacent land areas and in no case shall be more than two hundred fifty (250) feet in length or equal to one lot depth, whichever is greater. A temporary turnaround shall be provided and indicated on the plat and built in accordance with the design standards.

K. *Street Access Buffers.* To prevent access from abutting undeveloped property, the city may approve a plat with an undedicated strip of land parallel to the plat boundary where any portion of a proposed street abuts undeveloped acreage. The plat shall specifically provide that the undedicated strip of land will automatically terminate and be dedicated for and may be used for street right-of-way when construction of a connecting street is undertaken by a governmental entity or otherwise approved for connection in accordance with city regulations.

L. *New streets.* New streets which are an extension of existing streets shall bear the names of existing streets and shall be dedicated with appropriate transitions and widths.

M. *Street names.* New street names shall not be named to duplicate or cause confusion with existing street names. New street names shall be approved by the planning and zoning commission when the final plat is approved. Courts shall have street names. Crescents and elbows shall not have separate street names. Streets that have no houses fronting on them shall also have a street name.

N. *Construction.* All streets dedicated within a subdivision in the city and its extraterritorial jurisdiction shall be constructed in accordance with paving widths and specifications as set forth in the current design standards of the city at the time at which the final plat is recorded.

O. *Street lighting.* Street lighting shall conform to the latest edition of the Illuminating Engineering Society Handbook and City of Sugar Land Design Standards. Prior to the approval of the final plat, the developer shall pay to the city current cost of acquiring and installing the street lights and the cost of operating and maintaining the street lights for three (3) years, as determined by the city.

P. *Noise mitigation barriers and buffers.*

1. *General requirement.* Any person that plats a subdivision in which the rear or street side yard of a lot within the subdivision proposed for residential use abuts upon the right-of-way of a major street must provide for the installation and the maintenance of a NMB as a noise mitigation barrier or buffer for those lots as provided for in this paragraph P.

2. *Definitions.* In this paragraph P:

*Major street* means an arterial street, highway, freeway, or the frontage road of a freeway or highway.

*NMB* means a noise mitigation barrier.

*Residential use* means a single-family attached dwelling, a single-family detached dwelling, or a two-family dwelling.

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3. *Location.* A NMB must be located within an established common area or an easement running along and parallel to the rear lot line or street side lot line that abuts upon the major street but outside of the adjacent public street right-of-way. The location of any NMB at street intersections shall conform to the City of Sugar Land and the American Association of State Highway and Transportation Officials (AASHTO) sight distance requirements.

4. *Height and setback of NMB.*

- a. The NMB shall have the following minimum heights based on distance from the abutting major street, if not a highway, freeway, or the frontage road of a freeway:

<i>Distance from Major Street ROW (Ft.)</i>	<i>Minimum Height (Ft.)</i>
Less than 15	8
15 to 30	7
Over 30 to 45	6

- b. For a NMB abutting upon a highway, freeway, or the frontage road of a freeway, the developer shall do a noise analysis that complies with state and federal regulations applicable to highway projects. The NMB shall be placed at a distance from the right-of-way of the highway, freeway, or the frontage road and be of a height that would be required by state and federal regulations for mitigation on noise for a highway project, but in no case may the NMB be less than ten (10) feet in height.
- c. The required height of a NMB is measured from the top of the curb of the abutting major street to the top of the NMB. To remain at a consistent height elevation, the required height of a NMB may be measured from the top of the curb of the lowest drainage inlet of the abutting major street.
5. *Design and materials.* The design plans for any NMB that has masonry walls six (6) feet and greater shall be prepared and approved by a professional engineer. The NMB may be a masonry wall, a combination of a masonry wall and berm, or a berm. The masonry wall must be composed of stone, brick, concrete, hollow clay tile, concrete block or tile, or other similar building material. The NMB must be solid without substantial gaps or openings. The side slope for any berm must be at least four (4) feet to each one (1) foot of height. The NMB, including the concrete footing for the NMB, must comply with any applicable provisions of the city's adopted building code.
6. *Maintenance.* Prior to the sale of a lot in the subdivision, the developer shall establish and record in the real property records of Fort Bend County deed restrictions that establish a homeowners' association that will exercise the responsibility, through the establishment and collection of homeowners' association fees assessed against the lots,

Q. *General transportation requirements.* The provisions of this section 5-19 (Streets) is subject to the applicable provisions of chapter 1, article II (General Transportation Requirements) of the Development Code.

(Ord. No. 1224, § 2, 1-25-00; Ord. No. 1264, § 2, 1-2-01; Ord. No. 1316, § 1, 8-28-01; Ord. No. 1383, § 3, 1-21-03)

**Sec. 5-20. Alleys.**

A. Alleys shall be allowed in commercial and industrial districts, except that the city council may require that definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with and adequate for the use proposed. Service alleys in commercial and industrial districts shall be a minimum pavement width of fifteen (15) feet. An access easement may be substituted upon approval by the administrative officer if the easement is also a fire lane easement.

B. Residential alleys shall not be required but may be allowed to connect to a subdivision with existing alleys for the purpose of providing continuity on providing parallel secondary access. If alleys are constructed, the construction shall meet the requirements of the design standards.

C. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities at the dead-end as determined by the city council.



D. Alleys may not exceed a maximum length of fourteen hundred (1400) feet unless otherwise waived by the city council.

(Ord. No. 1224, § 2, 1-25-00)

**Sec. 5-21. Easements.**

A. All utility easements, including those for water, sewer, and storm sewer, shall be shown on the final plat.

B. Easements across lots or centered on or adjacent to rear or side lot lines shall be provided for utilities where necessary and shall be of such widths as may be reasonably necessary for the utility or utilities using same. It shall be the subdivider's responsibility to determine appropriate easement widths as required by the current design standards.

C. Where a subdivision is traversed by a watercourse, ditch, drainageway, or channel, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with such course and of such additional width as may be designated by the city and/or Fort Bend County Drainage District, subject to determination using proper engineering considerations. Maintenance easements shall also be specified. Approved utilities are permitted within the drainage easement if specified as a drainage and utility easement.

(Ord. No. 1224, § 2, 1-25-00)

**Sec. 5-22. Blocks.**

A. The length, width, and shapes of blocks shall be determined with due regard to:

1. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
2. Zoning requirements as to lot sizes, setbacks, and dimensions, if applicable.
3. Needs for convenient access, circulation, control, and safety of street traffic.

B. Length and widths shall be in conformance with the design standards. In general, intersecting streets, determining the blocks, lengths and widths, shall be provided at such intervals as to serve cross-traffic adequately and to meet existing streets or customary subdivision practices.

1. Minimum block length five hundred (500) feet; however, in cases where physical barriers or property ownership creates conditions where it is appropriate that these standards be varied having due regard for connecting streets, circulation of traffic and public safety.
2. Maximum block length twelve hundred (1200) feet, except where no existing subdivision controls, the block length may increase to fourteen hundred (1400) feet.
3. When possible, the block width or depth shall allow two (2) tiers of lots back-to-back except when prevented by the size of the property or the need to back on an arterial street identified. When adjacent to an arterial street, the subdivider may not double front lots.

C. Blocks shall be numbered consecutively within the overall plat and shall be consistent with adjacent plats.  
(Ord. No. 1224, § 2, 1-25-00)

**Sec. 5-23. Sidewalks.**

Pedestrian sidewalks shall be provided in all residential developments, areas of public use, and in certain portions of nonresidential developments as set forth in the current design standard.  
(Ord. No. 1224, § 2, 1-25-00)

**Sec. 5-24. Lots.**

Except as provided herein, all lots must conform to the requirements of this section. For lots located within the city's corporate limits, if there is a conflict between the provisions of this section and the provisions of the zoning regulations of Chapter 2 of this Code, the zoning regulations control.

- (a) Each residential lot must front on a dedicated public street.
- (b) Lots shall be laid out, wherever physically possible, so that a lot is not split by a jurisdictional boundary.
- (c) Lot widths are measured as follows:
  - 1. Lot fronting on a straight front building line: The length of the front lot line. (See Illustration 3)
  - 2. Lot located on the outside of the arc of a curved right-of-way: The length of the shortest line that connects the side lot lines and is tangent to the required front building line. (See Illustration 4)
  - 3. Lot located on the inside of the arc of a curved right-of-way: The distance of a straight line that connects the two points at which the required front building line intersects the side lot lines. (See Illustration No. 5)
  - 4. Other irregular lots. (Irregular building lot lines or side lot lines not perpendicular or radial to the street right-of-way): The length of the shortest line tangent to the required building line drawn in a location that demonstrates a building area width similar to that of regular lots. (See Illustration Six)
- (d) Minimum residential lot widths:
  - 1. Single-family: 60 feet.
  - 2. Patio home or zero lot line home: 50 feet.
  - 3. Townhome: 25 feet.
- (e) Minimum residential lot depths:
  - 1. Single-family: 110 feet.
  - 2. Patio home/zero lot line: 100 feet.

3. Townhome: 100 feet.
- (f) Minimum Lot Area:
    1. Single-family: 6,600 square feet.
    2. Patio home/zero lot line: 5,000 square feet.
    3. Townhome: 2,500 square feet.
  - (g) Side lot lines should be generally at right angles or radial to the street right-of-way lines.
  - (h) Corner lots shall be 10 feet wider than the minimum specified width.
  - (i) Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from arterial streets designated on the thoroughfare plan or to overcome specific problems of topography and orientation. Where lots have double frontage, a front building line shall be established for each street and access shall not be allowed from the arterial street.
  - (j) Each subdivision must provide one access street to a collector street for each 75 lots, or portion thereof, within the subdivision. The requirement applies to each platted phase of a subdivision. In this paragraph, a "collector" street means a street that meets the Geometric Street Design Standards for collector streets as set forth in the Sugar Land Design Standards.
  - (k) Lots may be labeled with their proposed use or as unrestricted reserves. Lots reserved for landscape and detention uses may also be designated as utility easements. When in the determination of the council the proposed use is essential to the signage of public facilities, the council may require the intended use of the lot be specified.
  - (l) Nonresidential and multifamily lots. All nonresidential and multifamily lots must front on a dedicated public street or dedicated access and fire lane easement. The design of all driveways, access easements and fire lanes shall be in conformance with the current design standard.

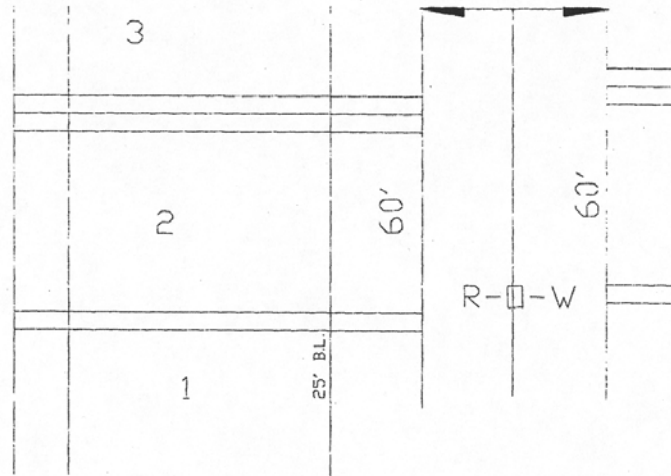


illustration 3

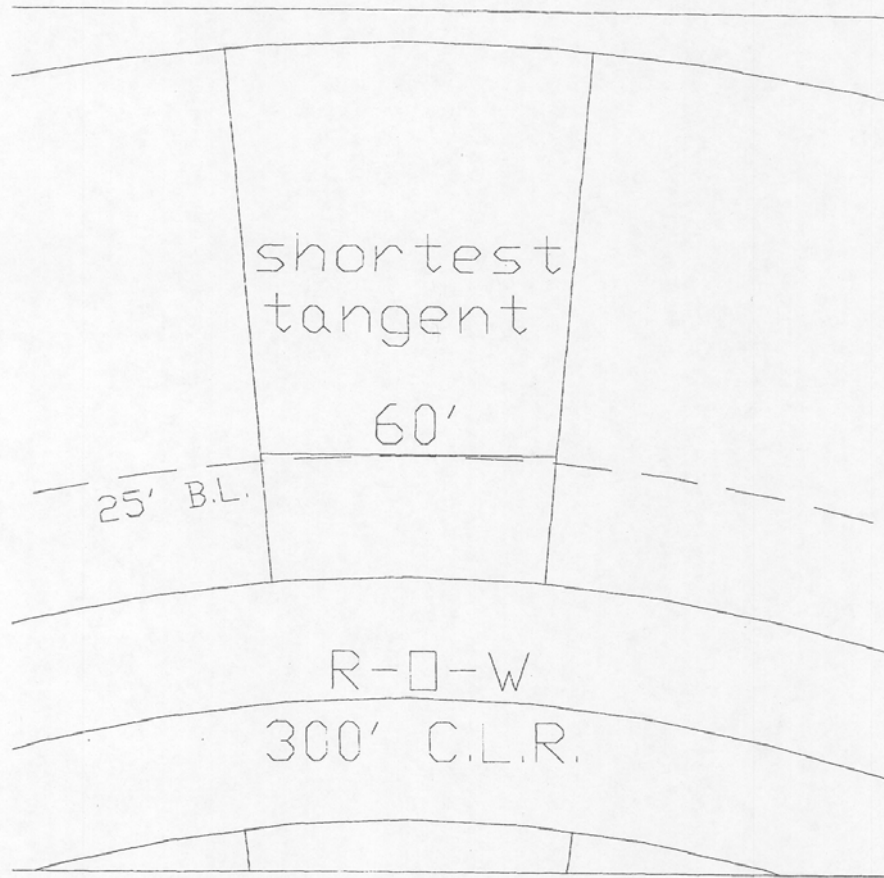


illustration 4

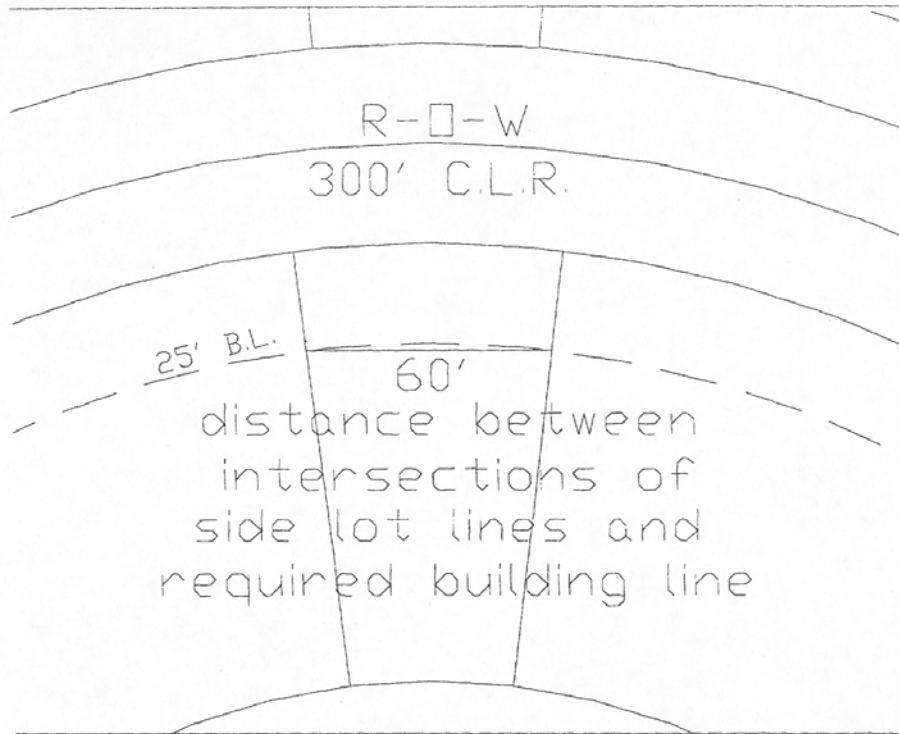


illustration 5



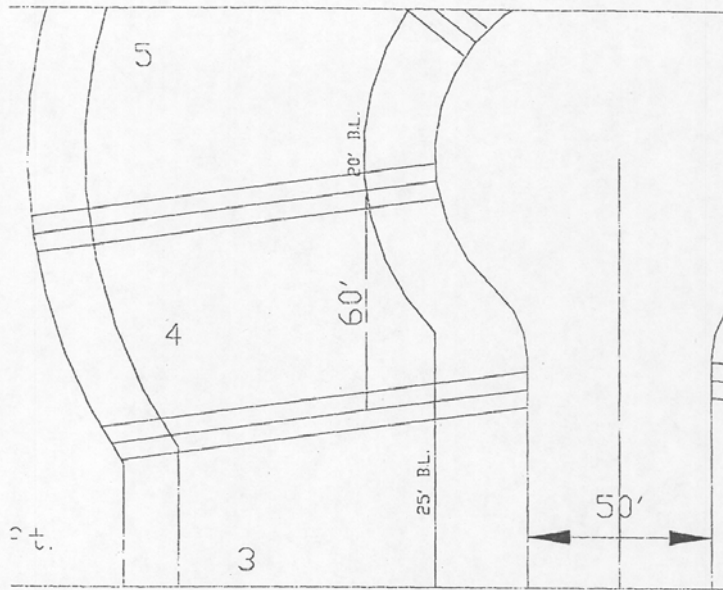


illustration 6

(Ord. No. 1224, § 2, 1-25-00; Ord. No. 1232, § 1, 2-22-00; Ord. No. 1304, § 1, 6-19-01)

#### Sec. 5-25. Building lines.

Front and street side building lines shall be shown on the final plat on all lots within the City of Sugar Land and shall provide at least the minimum setback as required by the zoning ordinance. All building lines within Sugar Land's extraterritorial jurisdiction shall be as follows:

- A. Residential development minimums:
  - 1. Front building line:
    - a. Single-family—Twenty-five (25) feet.  
—Thirty-five (35) feet on arterial street.
    - b. Cul-de-sac—Twenty (20) feet.
    - c. Patio/zero lot line—Twenty (20) feet.

- d. Townhome—Twenty (20) feet.
- 2. Side building line:
  - a. Single-family:
    - Interior—Five (5) feet.
    - Corner—Fifteen (15) feet, with twenty-foot setback for side loading garage.
  - b. Patio/zero lot line:
    - Interior—Zero and ten (10) feet
    - Corner—Fifteen (15) feet.
  - c. Townhome:
    - Interior—Zero.
    - Corner—Fifteen (15) feet.
  - d. Garages shall be set back a minimum of twenty (20) feet from the property line.
- 3. A twenty-five-foot rear building line is required only when the lot backs on an arterial or collector street. It is recommended on property adjacent to lakes or waterways.
- 4. The transition from a fifteen-foot to a twenty-five-foot building line shall occur at an angle of forty-five (45) degrees.
- 5. The five-foot side building line may be indicated by note on the plat rather than on each lot. The twenty-foot setback requirement for garages on corner lots may be indicated by note.
- 6. Every part of a required side yard shall be open and unobstructed except for fencing and the ordinary projections of window sills, belt courses, cornices, and other architectural features not to exceed twelve (12) inches into the required side yard, and roof eaves projecting not to exceed eighteen (18) inches into the required side yard.
- 7. All garages, accessory buildings and uses shall be located completely within the building lines.
- B. Nonresidential and Multifamily Lots. The following provisions apply to multifamily and nonresidential lots:
  - 1. *Front building line*—The front building line must be at least 40 if the front lot line abuts an arterial street or a highway. The front building line of all other lots must be at least 25.
  - 2. *Side building line*—The side building line on a lot must be at least five feet, except:
    - a. The side building line must be at least 25 feet if the side lot line abuts a residential district.

- b. The side building line must be at least 40 feet if the side lot line abuts an arterial street or highway.
  - c. Side building lines are not required along the sides where two abutting lots share a common side lot line if one building is constructed across the two lots and has a common wall dividing the building along the common side lot line of the abutting lots.
3. *Rear building line*—A rear building line of at least 25 feet is required where a rear lot line of a lot abuts a residential lot or abuts a street, other than a highway, that abuts a residential lot. Except as provided herein, a rear building line on a lot is not required.
- C. Where a platted Lot abuts that portion of a Street that contains a turn lane that prevents the Lot from meeting the same minimum setback requirements of adjacent Lots in the same block that do not abut the turn lane, the required setback of the Lot shall be measured from a line determined by extending the same Building Line that determines the same minimum setback required of the adjacent Lots located on the same side of the Street and within the same block that do not abut the turn lane.
- (Ord. No. 1224, § 2, 1-25-00; Ord. No. 1278, § 2, 1-2-01; Ord. No. 1326, § 2, 10-2-01)

**Sec. 5-26. Planned unit development.**

A. A Planned unit development (PUD) (also identified as planned development (PD) in the zoning ordinance) promotes the development of a tract of land in a unified manner and may allow for deviation from the development standards in this and other ordinances. Variances to the established criteria for lot widths, lot depths, building lines, location of open space may be considered for approval and recommendation as part of a PUD when the following requirements are met:

- 1. All single-family residential lots shall front on a public street right-of-way.
- 2. Provision of adequate separation between the fronts of buildings.
- 3. Lot widths and depths shall be adequate to provide for residential construction in accordance with established building codes.
- 4. Building lines shall be established to provide adequate off-street parking for each residential unit.
- 5. Provision of compensating open space within the PUD.
- 6. Justification of the design of the subdivision.
- 7. A finding that there is no negative impact on health, safety or welfare in the area.

B. A PUD may include such developments as follows:

- 1. Townhomes.
- 2. Multifamily residential units.
- 3. Condominiums.

4. Cluster homes.
5. Mixed residential commercial use development.
6. Patio homes/zero lot line homes/single-family homes.

C. A PUD shall meet all of the other platting requirements of this chapter.  
(Ord. No. 1224, § 2, 1-25-00)

**Sec. 5-27. Utility services.**

A. All utility service lines for residential distribution for electricity, telephone, gas, cable television and any other such service shall be underground with the exception of electric major transmission or feeder lines. These lines are identified as three-phase lines and shall be located on the perimeter of a subdivision whenever possible, but not along street rights-of-way. It is recommended that commercial developments have an underground feed from the nearest power line for individual service. The standards for easement requirements for utility service lines are stated in the design standards.

B. All lots, tracts and reserves shall be served by public utilities, water, wastewater and storm drainage designed, constructed, inspected and accepted in accordance with the requirements set forth in the current design standards.

C. All public utilities and improvements shall be designed according to the latest edition of the design standards, comprehensive plan, water and wastewater phasing plan, and any other applicable plans approved for the area by the city, or the utility district's utility plans, whichever is applicable.  
(Ord. No. 1224, § 2, 1-25-00)

**Sec. 5-28. Adoption of design standards.**

The City of Sugar Land Design Standards, dated November 1989, are adopted. The Design Standards provide additional technical details and requirements that must be met as part of the requirements of this chapter. A copy of the Design Standards, as adopted, including any amendments thereto, shall be kept on file with the city secretary and the city engineer. The provisions of this chapter shall govern over any conflicting provisions contained in the Design Standards.  
(Ord. No. 1224, § 2, 1-25-00)

**ARTICLE IV. PARK LAND AND PUBLIC SITES**

**Sec. 5-29. Areas for public use.**

The subdivider shall give consideration to suitable sites for parks, playgrounds, schools, and other areas for public use so as to conform with the recommendations of the Commission and City Council. Any provision for schools, parks, and other public uses, shall be indicated on the preliminary plat.  
(Ord. No. 1224, § 2, 1-25-00)

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(Ord. No. 1224, § 2, 1-25-00)

**Sec. 5-30. Park land dedication.**

The dedication of public park land or private recreational facilities shall comply with the following park land dedication requirements and the park master plan of the comprehensive plan:

- A. In view of the fact that land when subdivided increases in value to the owner and that residential subdividing increases the burden on the city's park and recreation facilities, the city shall require residential subdividers to offset some of this additional burden by dedicating suitable sites for park and recreation purposes or to make a cash deposit to the city in lieu thereof.
- B. The method of assuring that adequate and suitable areas for park and recreation sites are set aside shall be guided by the comprehensive master plan and shall be governed by the following standards and regulations:
  - 1. The subdivider or developer shall dedicate a site or sites for park and recreation purposes at the time that the plat is recorded at a location(s) recommended by the developer and recommended by the planning and zoning commission and the parks and recreation advisory board, at a ratio of one acre of park for every three hundred fifty (350) persons in the subdivision or development. This ratio is the Sugar Land city standard number of acres of park to be available in ratio to the increment of population added and to be served by the completely developed subdivision or development complex. Such added population being computed at the rate of three and five-tenths (3.5) persons per single-family residence or two and four-tenths (2.4) persons per multifamily living unit. The city council shall have final approval of the site(s) selected. The following definitions and conditions shall apply if there is a site dedication for park purposes:
    - a. The area of the park or recreation site to be dedicated shall be appropriate in area, shape and terrain for the uses intended for it in the park's plan. Where streets, ditches or easements infringe on or are part of the area to be dedicated, the city council must agree to the acceptance of those areas. Any infringements that make the area unsuitable for parks and recreation uses shall not be considered as part of the required park dedication acreage.
    - b. When a subdivision or complex is to be developed in stages or units and the required park site is to be provided in future stages or units, a binding agreement concerning the size, improvements and tentative location of the park site(s) must be delivered with the final plat of the first stage or unit.
    - c. The foregoing subsections shall not apply in the case of a replat of a plat, subdivision or addition that has previously met facility requirements, or the resubdividing or existing single lots, unless the replatting results in an increase in facility requirements.
    - d. Each park and recreation site shall, upon completion of all construction of surrounding facilities, have ready access to a public street.



- e. The first priority in meeting parks and recreation facilities needs shall be the commitment of neighborhood park sites. Each neighborhood will be defined in the master parks plan, should be approximately one square mile and serve approximately two thousand (2,000) single-family housing units. They should be public parks of about ten (10) acres in size, centrally located, and easily accessible by foot from all parts of the neighborhood. Coordination of school and park sites is encouraged; therefore, the public park areas shall be reduced to five (5) acres in size if properly coordinated with adjacent school recreation facilities.
  - f. Up to fifty (50) percent of the park and recreation facility requirements may be met by private park and recreation facilities as long as these facilities meet requirements of section 5-34 of this chapter.
  - g. Park and recreation facilities in the city shall be dedicated to the city unless approved as a private park site under terms of subparagraph f. above. Park and recreation facilities in the city's police jurisdiction shall be dedicated to the city. If the city does not wish to accept the dedication of public park land in its police jurisdiction, it shall be dedicated to the county, municipal utility district, or a homeowners' association, as defined by section 5-34 herein.
  - h. At the time of dedication of a site for park purposes, the subdivider or developer shall furnish the city, at subdivider's or developer's expense, an owner's title insurance policy on standard printed owner's form covering the park and recreation sites in the amount of the value of the property subject only to exceptions acceptable to the city which will not materially affect its value for park and recreation purposes.
2. The city council may elect to accept money as an alternative to the dedication of part, or all, of the park land under any of the following conditions:
- a. Where there is no public park required by the comprehensive master plan;
  - b. If the developer does not wish to establish private parks; or
  - c. Where the subdivision is too small to dedicate park sites sufficiently large enough to be economically operated.

The subdivider or developer may make application for this alternative by submitting to the city council a final plat recommended by the planning and zoning commission, a written statement of intent to deposit money in the city's park and recreation development fund at the initial rate of three hundred fifty dollars (\$350.00) per lot in the subdivision or two hundred forty dollars (\$240.00) per each living unit in a duplex, townhouse, apartment or other multifamily unit computed on the average base market value of thirty-five thousand dollars (\$35,000.00) for one acre of land served by a street, sewer and other standard utilities. The amount of money in lieu of park acres shall be set by the city council and shall be reviewed each year in January and may be changed if the market value warrants.

After approval of the application by the city council, the subdivider or developer shall make payment of the approved amount of money to the city secretary at the time of approval of the final plat of the subdivision for deposit in the park and recreation development fund for the purchase of additional park land or the development of parks or recreation facilities.

3. Improvements. The developer may at his option improve the park area by the addition of playgrounds, swimming pools, tennis courts or similar recreational amenities. If the area has fulfilled the commitment for neighborhood park space, the city shall allow a one hundred (100) percent credit for the original cost of the improvements to public parks as money in lieu of land and shall allow a fifty (50) percent credit for the original cost of the improvements to private parks as money in lieu of land.

(Ord. No. 1224, § 2, 1-25-00)

**Sec. 5-31. School sites.**

School sites for public schools shall be coordinated with the appropriate school district within whose jurisdiction the plat lies.

(Ord. No. 1224, § 2, 1-25-00)

**Sec. 5-32. Public facilities.**

Public facilities such as fire stations, libraries, municipal and county buildings, and municipal utility district operations shall be platted individually or contained within a plat. The location of these facilities shall be coordinated with the applicable governing body and in compliance with the comprehensive plan of the City of Sugar Land.

(Ord. No. 1224, § 2, 1-25-00)

**Sec. 5-33. Wetlands.**

If there are any areas previously designated which constitute wetlands by the federal law, these areas shall be indicated on the plat. In addition, any restrictions on these areas shall be noted on the plat.

(Ord. No. 1224, § 2, 1-25-00)

**Sec. 5-34. Homeowners' association.**

A. *Applicability.* When a subdivision contains either common open space or other improvements which are not intended to be dedicated to the City of Sugar Land for public use, a homeowners' association shall be created, and the duties and responsibilities shall be established in a declaration consistent with state and other appropriate laws, must be submitted to the city council, and made a part of the final plat documents.

B. *Membership.* A homeowners' association shall be an incorporated nonprofit organization operating under recorded land declarations through which:

1. Each lot owner in a described land area is automatically a member; and
2. Each lot is automatically subject to a charge for a proportionate share of the expenses for the homeowners' association's activities, such as maintenance of common open spaces or the provision and upkeep of common recreational facilities.

C. *Legal requirements.* In order to assure the establishment of a permanent homeowners' association, including its financing and the rights and responsibilities of the homeowners in relation to the use, management and ownership of common property, the subdivision plat, dedication documents, covenants, and other recorded legal agreements must:

1. Legally create an automatic membership, nonprofit homeowners' association;
2. Place title to the common property in the homeowners' association or give definite assurance that it automatically will be so placed within a reasonable, definite time;
3. Appropriately limit the uses of the common property;
4. Give each lot owner the right to the use and enjoyment of the common property;
5. Place responsibility for operation and maintenance of the common property in the homeowners' association;
6. Place an association charge on each lot in a manner which will both assure sufficient association funds and provide adequate safeguards for the lot owners against undesirable high charges;
7. Give each lot owner voting rights in the association; and
8. Must identify land area within the association's jurisdiction including, but not limited to, the following:
  - a. Property to be transferred to public agencies;
  - b. The individual residential lots;
  - c. The common properties to be transferred by the developer to the homeowners' association; and
  - d. Other parcels.

D. *Protective covenants.* Protective covenants shall be developed which, among other things, shall make the homeowners' association responsible for:

1. The maintenance and operation of all common property;
2. The enforcement of all other covenants;
3. The administration of architectural controls (optional); and
4. Certain specified exterior maintenance of exterior improvements of individual properties (optional).

(Ord. No. 1224, § 2, 1-25-00)

**ARTICLE V. IMPROVEMENTS AND ACCEPTANCE OF THE SUBDIVISION****Sec. 5-35. Improvements.**

A. The requirements of these subdivision regulations, as set forth below, are designed and intended to ensure that for all subdivisions of land within the scope of these subdivision regulations all improvements as required herein are installed in a timely manner in order that:

1. The city can provide for the orderly and economical extension of public facilities and services; and
2. All purchasers of property within the subdivision shall have a usable buildable parcel of land; and
3. All required improvements are constructed in accordance with city standards.

B. The public improvements required by the City of Sugar Land for the acceptance of the subdivision by the city shall include, but are not limited to, the following:

1. Water and wastewater facilities;
2. Drainage facilities;
3. Streets;
4. Street lights;
5. Street signs;
6. Sidewalks;
7. Traffic-control devices required as part of the project; and
8. Appurtenances to the above, and any other public facilities required as part of the proposed subdivision.

All aspects of the design and implementation of public improvements shall comply with the current design standards and any other applicable city codes and ordinances, including preparation and submittal of construction plans and construction inspection.

C. All subdivisions in the extraterritorial jurisdiction shall also be reviewed and approved by the Fort Bend County engineer's office and the county commissioner's court.

D. Prior to the final approval of construction of the streets and utilities, monumentation for the subdivision shall be in place for the perimeter, right-of-way corners, angle points, and points of curvature using an iron pipe or rod of not less than five-eighths ( $\frac{5}{8}$ ) inch in diameter and thirty-six (36) inches long and set six (6) inches below finished grade. Plat boundary corners shall be set and shall include a cap or tag with the surveyor's registration number. Acceptance by the city shall be contingent upon proper documentation. All lot corner monuments shall be set prior to the issuance of a building permit or the beginning of principal building construction. The lot corner monuments shall be iron rods not less than one-half ( $\frac{1}{2}$ ) inch in diameter and twenty-four (24) inches in length.

E. The final approval of construction and acceptance of the improvements in a subdivision shall be in accordance with the guidelines established in the current design standards.

F. Building permit statement to be recorded on plat. The city shall not issue any permits for construction within the subdivision within the corporate limits, except permits to construct public improvements, until such time as all public improvements of the subdivision have been constructed and accepted by the city or a certified check, performance bond or letter of credit is provided to and accepted by the city. A notation stating the above shall appear on each final plat.

G. Guarantee of public improvements. Before considering the final plat of a subdivision located all or partially within the city and/or the city's extraterritorial jurisdiction, the city council must be satisfied that all public improvements required will be constructed in accordance with the design standard requirements. The subdivider shall, unless the city council has determined otherwise, guarantee these public improvements will be constructed in one of the following ways:

1. Deposit a certified check with, and payable to, the city in an amount equal to the cost to complete such public improvements, including the cost of remaining engineering and inspection services.
2. Furnish the city with a performance bond executed by a surety company authorized to do business in the State of Texas in an amount equal to the cost to complete such public improvements. The performance bond shall be subject to the approval of the city attorney and must be executed by a corporate surety in conformance to article 5160 V.A.C.S.; or
3. The subdivider shall furnish the city with a letter of credit payable by an acceptable financial institution to the city in a form approved by the city attorney, guaranteeing the payment of an amount equal to the cost to complete such public improvements. The letter of credit shall be irrevocable and shall be for a term sufficient to cover the twelve-month period plus an additional thirty (30) calendar days and require only that the city present the issuer a letter signed by an authorized representative of the city certifying to the city's right to draw or collect funds under the specific terms of the letter of credit.
4. As an alternative to providing one of the above financial securities, the following may occur:

Upon approval of the final plat by the council and prior to it being signed by the chairman and secretary of the commission and the mayor and city secretary of the City of Sugar Land, and before such final plat shall be allowed to be recorded in the plat records of Fort Bend County, Texas, the subdivider requesting final plat approval shall, within the time period for which the final plat has been approved by the city, construct all improvements as required by these subdivision regulations and provide a surety instrument guaranteeing their maintenance as required herein.

In the event that all public improvements have not been constructed at the time the subdivider requests plat recordation, the subdivider shall provide a financial security as described in paragraphs 1., 2., or 3., above in the amount of the improvements not previously constructed. Prior to city council granting this specific approval, the subdivider must request in a letter to the city that the plat will not be recorded in the deed records of Fort Bend County until such public improvements are constructed or otherwise guaranteed.

In all instances, the original copy of the final plat without benefit of required signatures of city officials shall be held in escrow by the administrative officer and shall not be released for any purpose until such time as the conditions of the approval are complied with.

Upon the requirements of this section being satisfied, the final plat shall be considered fully approved, except as otherwise provided for in these regulations, the original copy of the final plat shall be signed by the appropriate city officials. The administrative officer shall cause such final plat to be in the plat records of Fort Bend County, Texas, or forwarded to Fort Bend County for final approval and recordation.

In the event that a performance bond or a letter of credit is the method selected by the subdivider for guaranteeing such improvements, such document shall be subject to the condition that the public improvements will be completed within twelve (12) months after approval of the final plat by the city council, unless a longer time shall be approved by the city council, upon the determination that such longer time period would not be unreasonable. In the event that the required public improvements guaranteed by such performance and/or such letter of credit are not or will not be completed within the time specified by the city council, the city council shall have the authority to extend the time period within which the subdivider shall complete the public improvements, subject to the extension of the expiration date of the approval of the plat, performance bond or letter of credit.

The above requirements for guarantees do not apply to public water, wastewater and drainage improvements financed through a municipal utility district, levee district or other special districts created under state law.

H. Security:

1. *Waiver of security.* The city council may waive all or a portion of the security requirements of this section if it finds that the public health, safety and general welfare will not be harmed by such waiver. The council shall take into consideration the extent of public improvements to be installed and the likelihood that such improvements will be installed by the subdivider within the twelve-month period, the impact that may result if such improvements are not timely installed, and the hardship to the subdivider if the security requirements are imposed.
2. *Release of security.* As portion of the public improvements are completed in accordance with the design standards, the subdivider may make application to the administrative



officer to reduce the amount of the original letter of credit, performance bond or certified check. If the city council is satisfied that such portion of the public improvements has been completed in accordance with city standards, the city council may cause the amount of the letter of credit, performance bond or certified check to be reduced by such amount that the council deems appropriate, so that the remaining amount of the letter of credit, performance bond or certified check adequately insures the completion of the remaining public improvements.

3. *Determination of amount.* A professional engineer licensed to practice in the State of Texas shall furnish estimates of the costs of engineering and construction of all required improvements to the administrative officer who shall review the estimates in order to determine the adequacy of the guarantee instrument for insuring the construction of the required facilities.
4. *Coordination with Fort Bend County.* If the project is located in the extraterritorial jurisdiction and is subject to the county bonding requirements, the subdivider may provide the financial security conforming to the above requirements in the name of Fort Bend County; provided, that the current county regulations stipulate that the security will not be reduced or released without written approval by the administrative officer, and provided that the instrument is transferable from the county to the city upon annexation.

I. Approval of final plats shall be deemed to have expired in subdivisions for which no assurances for completion have been posted or the improvements have not been completed within the period of one year. In those cases where a surety instrument has been required and improvements have not been completed within the terms of such surety instrument, the city shall declare the surety to be in default and require that all the improvements be installed unless extended under the provisions of this section.

J. The city shall inspect all required improvements to ensure compliance with city requirements and approved construction plans. When all required improvements have been satisfactorily completed, the city shall either accept, in writing, the improvements as having been satisfactorily completed or shall issue a punch list to the developer denoting items remaining to be completed. The city shall not accept dedications of required improvements nor release or reduce a performance bond or other assurance until such time as it determines that:

1. All improvements have been satisfactorily completed; and
2. The required number of "as built" plans have been submitted to and accepted by the city;
3. The required maintenance guarantee has been provided; and
4. Any and all other requirements identified in this chapter or other city codes and ordinances have been satisfied.

K. Maintenance bond required. Before the release of any surety instrument guaranteeing the construction of required subdivision improvements or the signing of the final plat where

subdivision improvements were made prior to the filing of the final plat for recordation the subdivider shall furnish the city, if in the city limits, or Fort Bend County, if in the extraterritorial jurisdiction, with a maintenance bond or other surety instrument to assure the quality of materials and workmanship and maintenance of all required improvements. The maintenance bond or other surety instrument shall be satisfactory to the city attorney as to form, sufficiency, and manner of execution. Such bond shall be in compliance with the design standards.

Whenever a defect or failure of any required improvement occurs within the period of coverage, the city may require that a new maintenance bond or surety instrument be posted for a period of one full calendar year sufficient to cover the corrected defect or failure.  
(Ord. No. 1224, § 2, 1-25-00)

**Sec. 5-36. Flood damage prevention.**

The lowest elevation of the first floor of all principal buildings is to be constructed at least one foot above the 100-year floodplain. All public streets are to be designed such that the lowest top of curb elevation is equal to or above the 100-year floodplain elevation. In lieu of the above, the developer may provide documentation to show that the lowest public street top of curb elevation is not exceeded by the 100-year floodplain elevation for more than four (4) hours. The 100-year floodplain is considered to be the 100-year water surface elevation in the outfall channel or receiving stream designated to receive storm runoff from the proposed development. For leveed areas subject to multiple outlet condition analyses conforming to Fort Bend County criteria, the aforementioned requirement is to be met for all conditions. Special consideration may be given to tracts containing natural aesthetic amenities within existing developed areas and served by existing outfall drainage facilities, where the addition of fill would result in the destruction of those amenities and for which there is no other feasible method to meet the aforementioned criteria.

(Ord. No. 1224, § 2, 1-25-00)

**ARTICLE VI. MISCELLANEOUS**

**Sec. 5-37. Site plans.**

Site plans for all nonsingle-family residential developments in the city and the extraterritorial jurisdiction shall be submitted for review and approved prior to the issuance of applicable building or slab permits. The review shall include, but is not limited to, building lines, parking, driveway locations, connection to existing utilities and drainage. The site plans shall comply with the design standards and current city subdivision requirements contained therein.

(Ord. No. 1224, § 2, 1-25-00)

**Sec. 5-38. Form and slab surveys.**

The city shall require the submittal of a form survey and subsequent slab survey for every structure in the city and the extraterritorial jurisdiction. The surveys shall be prepared by a registered professional surveyor. Copies of the surveys will be filed within the city, logged into the appropriate record system and returned to the builder for his records. Noncompliance of the submittal of the required surveys is a violation of this chapter.  
(Ord. No. 1224, § 2, 1-25-00)

**Sec. 5-39. Map update.**

The developer shall submit to the city a reduced copy of the entire subdivision at a scale appropriate to update the city maps and subdivision map.  
(Ord. No. 1224, § 2, 1-25-00)

**Sec. 5-40. Schedule of fees.**

Fees and charges for the filing of preliminary plats, final plats, replats, and foundation permits shall be as established by separate ordinance of the city council from time to time.

Such fees and charges shall be collected by the city when any plan subdivision plat is tendered to the commission. Such fees and charges shall be paid in advance.

Such fees and charges shall be imposed on all preliminary plats, final plats and replats, etc., regardless of the action taken by the commission and city council thereon. Such fees shall be collected for the purpose of defraying the costs of administrative, clerical and inspection services necessary to properly investigate plats, replats, and subdivisions. Any required fees, unless specifically stated otherwise, shall be paid prior to the recording of the plat.  
(Ord. No. 1224, § 2, 1-25-00)

**Sec. 5-41. Enforcement.**

Any subdivision of land being developed in violation of the terms and provisions of these regulations is hereby declared to be a public nuisance and the administrative officer of the city are hereby authorized to institute any action which may be necessary to restrain or abate such violations.

(Ord. No. 1224, § 2, 1-25-00)

**Sec. 5-42. Variances.**

A. The commission shall review the variance request and make a recommendation to the city council. The city council may then authorize a variance from these regulations when in its opinion undue hardship will result from requiring strict compliance. The applicant shall have the responsibility of proving the variance is a hardship. In granting a variance, the council shall prescribe conditions that it deems necessary or desirable to the public interest and making the findings hereinbelow required to eliminate the hardship. The council shall take into account the nature of the proposed use of land involved and existing uses of the land in the

vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity. No variance will be granted unless the city council finds that an undue hardship exists. The following conditions must be present for consideration:

1. There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his land.
2. The granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.
3. The granting of the variance will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of this chapter.
4. A more appropriate design solution exists which is not currently allowed in this chapter.

B. Such recommendations of the commission and findings of the city council, together with the specific facts on which such findings are based, shall be incorporated in the official minutes of the commission and city council meetings at which such variance is recommended or granted. Variances may be granted only when in harmony with the general purpose and intent of this chapter, so that the public health, safety and welfare may be secured and substantial justice done. Economic hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship. The city council may reach a conclusion that a hardship exists if it finds that:

1. If the applicant complies strictly with the provisions of this chapter, he can make no reasonable use of his property.
2. The hardship of which the applicant complains is one suffered by the applicant rather than by neighbors or the general public.
3. The hardship relates to the applicant's land, rather than personal circumstances.
4. The hardship is unique to the property, rather than one shared by many surrounding properties.
5. The hardship is not the result of the applicant's own actions.

(C—D) Reserved.

E. In granting variances, the city may impose such reasonable conditions as will ensure that the use of the property to which the variance applies will be as compatible as practicable with the surrounding properties.

F. A variance may be issued for an indefinite duration or for a specified duration only.

G. The nature of the variance and any conditions attached to it shall be entered on the application and plat and refer to the written record of the variance for further information. All such conditions are enforceable in the same manner as any other applicable requirement of this chapter.

H. The city council shall not authorize a variance that would constitute a violation of any other valid ordinance of the city.

I. The request for a variance shall be made in writing and accompanied by a fee as set forth in the city's fee schedule.

(Ord. No. 1224, § 2, 1-25-00)

**Sec. 5-43. Severability**

If any section or part of any section, paragraph, or clause of this subdivision ordinance is declared invalid or unconstitutional for any reason, such declaration shall not be held to invalidate or impair the validity, force, or effect of any other section or sections, part of section, paragraph, or clause of this chapter.

(Ord. No. 1224, § 2, 1-25-00)

**Sec. 5-44. Repealing clause.**

Any ordinances or parts of ordinances in conflict with this chapter shall be repealed to the extent of such conflict only.

(Ord. No. 1224, § 2, 1-25-00)

**Sec. 5-45. [Ordinance read in compliance with City Charter.]**

This ordinance [Ordinance No. 785] was read in full upon its first reading in full compliance with the provisions of section 2.08 of the Charter of Sugar Land.

(Ord. No. 1224, § 2, 1-25-00)

**ARTICLE VII. SPECIAL DRAINAGE REQUIREMENTS**

**Sec. 5-46. Application.**

(a) The provisions of this article apply to any undeveloped land located in the flood hazard area on the date this article becomes effective.

(b) The provisions of this article apply over any conflicting provision of any other ordinance.

(Ord. No. 1224, § 2, 1-25-00)

**Sec. 5-47. Definitions.**

In this article:

*Flood hazard area* means the one hundred forty-one (141) acres of land, more or less, located within the area bounded by U.S. Highway 59, U.S. Highway 90A, and Alkire Lake Drive, and originally platted as Sugar Creek Center and Market Place at Sugar Land.

*Drainage participation fee or fee* means a fee in the amount of sixteen thousand dollars (\$16,000.00) for each acre of land included within the recorded plat of the land for which the fee is paid. For each fraction of an acre of land included in the plat, the fee shall be prorated.

*Regional drainage improvements* means the stormwater drainage improvements and facilities proposed to be constructed by the city on the effective date of this article to meet the future storm drainage requirements of the flood hazard area. The regional drainage improvements include the acquisition of land for and the construction of a regional detention facility and the construction of a drainage culvert to Jane Long Lake, as described in the Klotz Associates, Inc. report dated June 1997, on file with the city.

*Undeveloped land* means any tract or parcel of land, including any tract of land platted in accordance with the provisions of this chapter prior to the effective date of this article, located in the flood hazard area, on which buildings or structures for human occupancy or use have not been constructed thereon in accordance with a building permit issued by the city prior to the effective date of June 15, 1998.

(Ord. No. 1224, § 2, 1-25-00)

**Sec. 5-48. On-site stormwater detention required.**

Before the city will issue a building permit for any undeveloped property, the plans for the improvements for the tract must provide for on-site drainage detention on the tract, as determined by the city, sufficient to delay downstream flows so that water surface elevations in the flood hazard area will comply with the city drainage regulations.

(Ord. No. 1224, § 2, 1-25-00)

**Sec. 5-49. Payment of drainage participation fee.**

In lieu of providing for on-site stormwater drainage detention facilities as required by section 5-48, the owner of undeveloped land proposing to make improvements thereon for which a building permit is required may make use of the regional drainage improvements by the payment to the city of the drainage participation fee. The fee must be paid prior to the issuance of a building permit for the tract. Upon payment of the fee, the owner will not be required to install any on-site drainage detention facilities on the tract or make any off-site drainage improvements to serve the tract. The fee may only be used to provide for the regional drainage improvements.

(Ord. No. 1224, § 2, 1-25-00)